IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA, Appellee, v. WILLIAM JAMES NIELSON CORBETT, Appellant.	)	2 CA-CR 2006-0271 DEPARTMENT B MEMORANDUM DECISION Not for Publication Rule 111, Rules of the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20054576

Honorable Charles S. Sabalos, Judge

AFFIRMED

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V Á S Q U E Z, Judge.

¶1 After a jury trial, William James Corbett was convicted of luring a minor for sexual exploitation, and the trial court sentenced him to 3.5 years in prison. On appeal, he argues the trial court erred in failing to exclude parts of his statement to police; admitting transcripts of his Internet communications with an adult posing as a thirteen-year-old girl named "Annie," which he asserts were inadmissible prior acts evidence and hearsay; and denying his pretrial motion to dismiss and his motion for a judgment of acquittal pursuant to Rule 20, Ariz. R. Crim. P. We affirm for the reasons set forth below.

Facts and Procedural History

¶2 We view the facts in the light most favorable to sustaining the jury's verdict. *State v. Miles*, 211 Ariz. 475, ¶ 2, 123 P.2d 669, 670 (App. 2005). An Internet watchdog group known as Perverted Justice contacted the Tucson Police Department concerning suspicious Internet activity it had observed. It provided the police with transcripts and "screen traps" of Yahoo instant messaging sessions between one of its adult members posing as a minor named "Annie," using the chat name "a_dark_angel_2005," and "tucsftcoach," later identified as Corbett.

¶3 After receiving the report and supporting documentation, the Tucson Police Department began an investigation of Corbett's on-line activity. Detective Philip Uhall created an Internet chat profile for a fictitious fourteen-year-old girl named "Ashley" with the username "ashley1992az." On October 19, 2005, "Ashley" sent Corbett an e-mail asking him to contact her. Corbett did not respond to that e-mail, but did respond to a

second, sent the next day. During the ensuing conversations, Corbett sent "Ashley" links to pornographic pictures and stories and engaged in sexually explicit conversations with her. On November 3 Corbett and "Ashley" agreed to meet at a hamburger stand near Doolen Middle School. Corbett was arrested when he arrived at the meeting place. This appeal follows Corbett's subsequent conviction of luring a minor for sexual exploitation, in violation of A.R.S. § 13-3554.

Discussion

I. Admission of Interrogation

¶4 Corbett argues the trial court erred in denying his motion to redact portions of his statement to police from the video recording of his interrogation.[1] He contends part of his statement should have been excluded because it was obtained before he was given *Miranda*[2] warnings and other portions should have been redacted because they were irrelevant and unfairly prejudicial. We review a trial court's decision to admit a defendant's statement for an abuse of discretion. *State v. Ellison*, 213 Ariz. 116, ¶ 25, 140 P.3d 899, 909 (2006); *State v. Jones*, 203 Ariz. 1, ¶ 8, 49 P.3d 273, 277 (2002).

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[1]The jury was provided with a video recording of Corbett's statement. However for purposes of this decision, we have reviewed the typed transcript included in Corbett's written objections to the admissions of these statements, which neither party has suggested is inaccurate or incomplete.

[2]*Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602 (1966).

¶5 Corbett asserts he was subject to a custodial interrogation when Detective Uhall began to question him, and, therefore, the trial court should have excluded any statements made before he had received *Miranda* warnings. "The triggering event for *Miranda* warnings is custodial interrogation by state law enforcement agents." *In re Navajo County Juvenile Action No. JV91000058*, 183 Ariz. 204, 206, 901 P.2d 1247, 1249 (App. 1995). The state does not dispute that Corbett was in custody and questioned by a police detective before he was advised of his rights. Thus, the only question is whether the questioning during that period constituted an interrogation.

¶6 Interrogation is defined as "not only . . . express questioning, but also . . . any words or actions on the part of the police . . . that the police should know are reasonably likely to elicit an incriminating response from the suspect." *Rhode Island v. Innis*, 446 U.S. 291, 301, 100 S. Ct. 1682, 1689-90 (1980); *see also State v. Montes*, 136 Ariz. 491, 493-94, 667 P.2d 191, 193-94 (1983). However, "not every question posed in a custodial setting is equivalent to interrogation," and *Miranda* warnings are only required if "the questions are reasonably likely to elicit an incriminating response." *State v. Waggoner*, 139 Ariz. 443, 445, 679 P.2d 89, 91 (App. 1983).

¶7 Before giving Corbett *Miranda* warnings, Uhall asked Corbett for his biographical information, including his full name, address, birth date, social security number, telephone number, and place of employment. He also asked whether anyone else lived in Corbett's home. These questions were of the type "normally attendant to arrest and

custody" and not reasonably likely to elicit incriminating responses. *Innis*, 446 U.S. at 301, 100 S. Ct. at 1689-90; *see also State v. Smith*, 193 Ariz. 452, ¶¶ 19-20, 974 P.2d 431, 436-37 (1999) (finding, in context of conversation with suspect, police officer's question, which led to incriminating response, not interrogation because not "designed to elicit incriminating response[]"). Corbett's statements were therefore not obtained in violation of *Miranda* and the trial court properly admitted them at trial. And, in any event, since no incriminating responses were elicited during this exchange, any error in their admission was harmless. *See State v. Eggers*, 215 Ariz. 472, ¶¶ 46-53, 160 P.3d 1230, 1246-47 (App. 2007) (applying harmless error review to erroneous admission of statements taken in violation of *Miranda*).

¶8 Corbett next asserts additional portions of the interrogation should have been excluded because they were irrelevant or, if relevant, unfairly prejudicial. These include the following: (1) Corbett's statements about having coached girls' softball in the past; (2) that he was concerned about potential embarrassment to his family from any media coverage; (3) that he "needed help" and was thinking about killing himself; (4) the detective's opinion about the charge Corbett was facing; and (5) any discussion concerning his prior on-line communications with "Annie." The trial court initially found Corbett's objections to the admission of these sections to be untimely. However, it later reviewed Corbett's motion and apparently denied it on the merits.

¶9 We review a trial court's decision to admit or exclude evidence for an abuse of discretion. *State v. Ruggiero*, 211 Ariz. 262, ¶ 15, 120 P.3d 690, 693 (App. 2005). All

relevant evidence is admissible unless otherwise prohibited. Ariz. R. Evid. 402. Relevant evidence is evidence "having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Ariz. R. Evid. 401. However, relevant evidence may be excluded if it is substantially more prejudicial than probative. Ariz. R. Evid. 403. "Unfair prejudice results if the evidence has an undue tendency to suggest decision on an improper basis, such as emotion, sympathy, or horror." *State v. Mott*, 187 Ariz. 536, 545, 931 P.2d 1046, 1055 (1997). We look at each of Corbett's claims individually to determine whether the statements were properly admitted on relevancy grounds, and, if so, whether the danger for unfair prejudice outweighed their probative value.

1. Reference to Prior Involvement Coaching Girls' Softball

¶10 The state introduced evidence, through transcripts of Corbett's on-line chat with "Ashley," that Corbett previously had coached girls' softball. Corbett asserts there were "no allegations of improprieties during the period he coached softball." He therefore contends any reference to his prior coaching experience was irrelevant and created a danger of unfair prejudice because it permitted the jury to "infer . . . his past coaching involvement had improper motives." We disagree.

¶11 The state offered the evidence to establish that Corbett was the person who had used the pseudonym "tucsftcoach" when communicating on-line with "Ashley." A reasonable jury could infer that someone using that screen name had coaching experience

and Corbett, who had been a softball coach, was that person. Therefore, the evidence is relevant. *See Yauch v. S. Pac. Transp. Co.*, 198 Ariz. 394, ¶ 19, 10 P.3d 1181, 1188-89 (App. 2000) ("[E]vidence is relevant if it 'relates to a consequential fact' that is placed in issue by 'the pleadings and the substantive law' and if it 'alter[s] the probability, not prove[s] or disprove[s] the existence of, a consequential fact.'"), *quoting Hawkins v. Allstate Ins. Co.*, 152 Ariz. 490, 496, 733 P.2d 1073, 1079 (1987) (second alteration in *Yauch*).

¶12 Furthermore, we disagree with Corbett that he was unfairly prejudiced by the admission of this evidence. During trial the state never suggested that Corbett had a "prurient motive" in becoming a softball coach or that he had acted improperly when he had coached. Thus, the probative value of the statements was not outweighed by the potential for unfair prejudice, and the trial court did not abuse its discretion in admitting them. *See Mott*, 187 Ariz. at 545, 931 P.2d at 1055.

2. Embarrassment to His Family

¶13 Corbett next argues the trial court should have excluded his statements about the potential embarrassment to his family caused by the publicity of his arrest. He contends the statements were irrelevant because they were related to embarrassment "based on the mere fact of the charges themselves, even if he was innocent." During the interrogation, Corbett stated his wife and daughters were not going to be happy with the service of the search warrant on his home and the publicity that would ensue, and he did not want his

nephew, who was a Tucson police officer, to be "blindsided" by the news of his arrest. He also expressed concern about losing his job, and when Detective Uhall reminded him that he had not yet been convicted of anything, Corbett responded that his name being on television was sufficient. However, Corbett also stated, "I'm blindsiding my family because I'm an idiot and I screw around. And I get home at [t]hree . . . , [t]hree-[t]hirty . . . and I chat 'til [f]ive . . . o'clock and that's it, Monday through Friday, that's my fun time . . . I am an idiot for that[.]"

¶14 The state argues these statements provide some evidence of consciousness of guilt and were therefore relevant and admissible. *See State v. Kemp*, 185 Ariz. 52, 59, 912 P.2d 1281, 1288 (1996) (evidence of defendant's consciousness of guilt or wrongdoing admissible). When viewed together, Corbett's statements are susceptible to the state's interpretation: that Corbett was aware he did something wrong, and he was concerned about the effect his wrongdoing would have on his family. *See* Ariz. R. Evid. 401. It is also true that Corbett's statements were fairly open to his interpretation: that his family could have been embarrassed by the fact of his arrest even though he may have been innocent. It was therefore proper for the trial court to allow the jury to resolve the conflict and make its own determination based on the evidence produced. *See State v. Williams*, 209 Ariz. 228, ¶ 6, 99 P.3d 43, 46 (App. 2004) (it is for jury to resolve conflicts and weigh evidence).

¶15 Additionally, we reject Corbett's argument that the statements are unfairly prejudicial merely because the jury could have interpreted them as demonstrating his

consciousness of guilt. Evidence is not prejudicial under Rule 403 merely because it may be adverse to the party against whom it is offered. *See State v. Schurz*, 176 Ariz. 46, 52, 859 P.2d 156, 162 (1993). Rule 403 speaks only to the unfair prejudice that arises from evidence which has "an undue tendency to suggest decision on an improper basis, such as emotion, sympathy, or horror." *Mott*, 187 Ariz. at 545, 931 P.2d at 1055.

¶16 Corbett's statements concerning the embarrassment to his family are not the kind of unfair prejudice to which Rule 403 speaks. The jury may have found Corbett's concern about media coverage and embarrassment to his family probative of guilt, but it was not the type of improper evidence that so infects the jury, that the jury could be said to have based its decision on emotion, sympathy, or horror. The probative value of these statements outweighs any potential for unfair prejudice, and the trial court did not abuse its discretion in admitting them.

3. Corbett's Opinion of His Behavior

¶17 The trial court also admitted Corbett's statements that he "needed help" and was contemplating suicide. He asserts these statements had no probative value, arguing they did not "evince a consciousness of guilt because merely being charged with such a crime . . . would be enough to trigger the sentiments that [he] expressed." Corbett's statements were made during a discussion with Detective Uhall specifically in the context of admitting he had a problem, that he needed help so as to stop justifying his behavior, and then suggesting he might shoot himself. The statements show a consciousness of guilt and are therefore

relevant. *See Kemp*, 186 Ariz. at 59, 912 P.2d at 1288. Corbett also contends the statements "present[ed] a danger of unfair prejudice insofar as they implied a consciousness of guilt" rather than a mere concern over his arrest. However, as previously discussed, the extent to which these statements evince a consciousness of guilt for the offense or merely the arrest is a matter for the jury to determine. *Williams*, 209 Ariz. 228, ¶ 6, 99 P.3d at 46. Their admission was proper.

4. Explanation of Charge

¶18 Corbett contends the trial court should have excluded Detective Uhall's explanation of the potential charge he could be facing because it was hearsay and irrelevant. However, even assuming the statement was hearsay and irrelevant, Corbett does not argue the statement was prejudicial, and we do not see how it could be construed as such. Corbett was indicted on the same charge Uhall said he would be charged with. *See State v. Bass*, 198 Ariz. 571, ¶ 39, 12 P.3d 796, 805 (2000) (erroneously admitted evidence harmless if court concludes beyond reasonable doubt that error did not affect verdict).

5. Communications about "Annie"

¶19 Finally, Corbett argues the trial court should have redacted from the video of his interrogation any mention of "Annie," an adult posing as a minor with the Yahoo screen name "a_dark_angel_2005." He contends his communications with "Annie" did not

constitute illegal conduct and are, therefore, irrelevant.[3] The trial court found this evidence "relevant about his state of mind, on his intent, his knowledge." We agree.

¶20 First, to the extent Corbett argues the evidence concerning his conversations with "Annie" does not constitute "illegal conduct" and is thus irrelevant and inadmissible, this argument has no merit. Corbett is correct that a person who lures a non-peace officer posing as a minor cannot be convicted of a completed crime; however, such person may be guilty of attempt, which constitutes illegal conduct in any event. *See Mejak v. Granville*, 212 Ariz. 555, n.1, 136 P.3d 874, 875 n.1 (2006). Furthermore, Rule 404(b) does not require that the prior act be a crime in order to be admissible. *See State v. Castaneda*, 150 Ariz. 382, 390, 724 P.2d 1, 9 (1986); *State v. Corona*, 188 Ariz. 85, 90, 932 P.2d 1356, 1361 (App. 1997).

¶21 To be admissible, a prior act must be relevant and offered for a proper purpose. *Castaneda*, 150 Ariz. at 390, 724 P.2d at 9. As noted above, relevant evidence is evidence "having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Ariz. R. Evid. 401. However, Rule 404(b), Ariz. R. Evid., provides: "[E]vidence

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[3]Corbett also suggests that these segments of the interrogation lack foundation. However, he does not provide any argument or citation to authority to support this argument. We therefore only consider his argument that the segments were irrelevant. *See State v. Barraza*, 209 Ariz. 441, ¶¶ 18-19, 104 P.3d 172, 177 (App. 2005) (failure to argue claim on appeal constitutes waiver and abandonment); *see also State v. Nirschel*, 155 Ariz. 206, 208, 745 P.2d 953, 955 (1987) (same).

of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident."

¶22 During the interrogation, Detective Uhall asked Corbett whether he had ever spoken with anyone, other than "Ashley," who claimed to be thirteen, fourteen, or fifteen. Corbett responded that he had spoken with "Annie," but, contrary to the transcripts of the "Annie" communications, stated that she had said she was seventeen or eighteen. Corbett admitted he had driven by the address she had given him, but then he claimed that he did not think she was a minor, or even female. He also agreed that "chat is ninety percent . . . sex" and admitted that he considered showing "Annie" a picture of his penis, offered to take pictures of her and have pictures taken of him when they met, and that he attempted to actually meet her in person.

¶23 This behavior is strikingly similar to Corbett's interactions with "Ashley," toward whom Corbett continued to speak in a sexually explicit manner even after she had told him she was a minor, offered to take pictures of her and have pictures taken of him when they met, and attempted to meet in person less than two weeks after trying to meet "Annie."

¶24 These statements are therefore relevant to show Corbett's knowledge that he was luring persons who claimed to be minors and that his conduct was not mistaken or

inadvertent. *See State v. Lee*, 25 Ariz. App. 220, 226, 542 P.3d 413, 419 (1975) ("[T]he state is permitted to introduce similar acts or incidents in order to show . . . intent and to prove that the act for which appellant is on trial was not inadvertent or by mistake."); *see also State v. Woody*, 173 Ariz. 561, 563, 845 P.2d 487, 489 (1992) (Prior acts need not be factually identical to crime charged; "[i]t is sufficient for the purposes of Rule 404(b) if it can permit the jurors to infer either that the defendant intended the act in question or had knowledge of its consequences.").

¶25 Corbett's statements also provided additional evidence of his sexual motive in attempting to meet minors on-line. *See* § 13-3554(A) (minor must be lured for sexual exploitation); *see also State v. Ramsey*, 211 Ariz. 529, ¶ 34, 124 P.3d 756, 767 (App. 2005) (admission of evidence concerning defendant's interest in incestuous pornography relevant to show motive in having sexual relationship with his daughter). These statements were relevant and the trial court did not abuse its discretion in admitting them under Rule 404(b). *See Castaneda*, 150 Ariz. at 390, 724 P.2d at 9.

II. Transcript of Communications with "Annie"

¶26 Next Corbett argues the trial court erred in admitting evidence of his actual prior on-line conversations with "Annie." He asserts that although his part of the conversations were admissible as admissions by a party-opponent, *see* Rule 801(d)(2), Ariz. R. Evid., "Annie's" responses were inadmissible hearsay and should have been excluded. Corbett contends her responses "were out-of-court statements used to prove . . . that a minor

was being lured for sexual purposes." We review a trial court's decision to admit or exclude evidence for an abuse of discretion. *State v. Ruggiero*, 211 Ariz. 262, ¶ 15, 120 P.3d 690, 693 (App. 2005). Hearsay is an out-of-court statement introduced into evidence to prove the truth of the matters asserted. *See* Ariz. R. Evid. 801(c); *State v. Bass*, 198 Ariz. 571, ¶ 20, 12 P.3d 796, 802 (2000). Hearsay is inadmissible unless an exception applies. Ariz. R. Evid. 802. However, statements not introduced to prove the truth of the matter asserted are not hearsay and are generally admissible. *State v. Rivera*, 139 Ariz. 409, 413-14, 678 P.2d 1373, 1377-78 (1984).

¶27 "Annie's" statements were not hearsay. Contrary to Corbett's assertion, they were not introduced to prove "that a minor was being lured for sexual purposes," because "Annie" was, in fact, not a minor. They were, however, relevant to provide the context for Corbett's statements to her and to show their effect on Corbett's subsequent conduct. *See id.* at 414, 678 P.2d at 1378 ("Words or writings offered to prove the effect on the hearer or reader are admissible where offered to show their effect on one whose conduct is at issue."); *see also State v. Barr*, 183 Ariz. 434, 441, 904 P.2d 1258, 1265 (App. 1995). "Annie's" statements to Corbett were not hearsay, and they were relevant. The trial court did not abuse its discretion in admitting them.

¶28 Corbett argues for the first time on appeal that a single prior act is "insufficient to establish a pattern from which the mental state could be inferred"; therefore, the trial court erred in finding the "Annie" chat dialogues were relevant to prove motive and intent

under Rule 404(b). However, because he did not raise this argument below, we do not consider it. *See State v. Spreitz*, 190 Ariz. 129, 145, 945 P.2d 1260, 1276 (1997) (appellate court does not consider evidentiary theory raised for first time on appeal); *State v. Tyszkiewicz*, 209 Ariz. 457, ¶ 9, 104 P.3d 188, 191 (App. 2005) (failure to raise specific ground for evidentiary objection below waives objection on that ground on appeal).[4]

III. Rule 20 Motion

¶29 Corbett contends the trial court erred when it denied his pretrial motion to dismiss and motion for judgment of acquittal pursuant to Rule 20, Ariz. R. Crim. P. Relying on *Mejak v. Granville*, 212 Ariz. 555, 136 P.3d 874 (2006), Corbett argues that because he lured a police officer rather than a minor, he could not be convicted of "anything greater than a preparatory offense" under A.R.S. § 13-3554. In the alternative, Corbett argues the statute is unconstitutionally vague.

¶30 "We review a trial court's denial of a Rule 20 motion for an abuse of discretion and will reverse a conviction only if there is a complete absence of substantial evidence to support the charges." *State v. Carlos*, 199 Ariz. 273, ¶ 7, 17 P.3d 118, 121 (App. 2001).

[4]As the basis for the trial court's admission of the chat transcripts, both Corbett and the state refer to the trial court's ruling pursuant to Rule 404(b), permitting the introduction of Corbett's statements to Detective Uhall about "Annie" during his interrogation. However, this ruling only related to the admission of the interrogation statements. When the state moved to admit the on-line chat transcripts, Corbett only objected on foundation and hearsay grounds.

However, we review issues of statutory construction de novo. *See Mejak*, 212 Ariz. 555, ¶ 7, 136 P.3d at 875.

¶31 In *Mejak*, a local reporter pretended to be a thirteen-year-old girl and participated in Internet "chat rooms." *Id.* ¶ 3. The defendant chatted on-line with the reporter and they eventually arranged a meeting to engage in sexual conduct. *Id.* When he arrived at the location they had agreed on, the confrontation was recorded, and the videotapes and transcripts of the on-line conversations were turned over to the police. *Id.* Mejak was indicted, and the trial court denied his motion to dismiss. *Id.* ¶¶ 3-4. Division One of this court declined to accept jurisdiction of Mejak's special action petition, but our supreme court granted his petition for review. *Id.* ¶¶ 5-6.

¶32 Mejak argued he could not have violated § 13-3554 because the person he lured was not a minor. *Id.* ¶ 19. The supreme court agreed. *Id.* ¶ 21. The court found the plain language of the statute unambiguous. *Id.* ¶¶ 8, 14. Reading the statute as a whole, it noted "subsection (A) requires that the person charged with the crime of luring 'know[] or hav[e] reason to know that the [person being lured] *is a minor*[,]'" and "subsection (B) prevents a defendant from escaping criminal responsibility if the person lured" is a peace officer. *Id.* ¶ 12, *quoting* § 13-3554(A), (B) (fifth alteration added). Therefore, it concluded, "unless the purported victim is a peace officer posing as a minor, the crime of luring requires that an actual minor be lured." *Id.* And "[b]ecause . . . the person Mejak

lured was not a minor or peace officer posing as a minor, he could not violate the criminal statute under which he was indicted." *Id*. ¶ 21.

¶33 Corbett argues the supreme court's interpretation of subsection (A) "is problematic" for the constitutionality of subsection (B). As we understand his argument, Corbett contends "[s]ubsection (B) does not state an offense, nor does it add or change an element" of the offense as stated in subsection (A). He argues that, therefore, subsection (B), which provides it is not a defense that the person lured is a peace officer posing as a minor, "does not address the fact that . . . the state is still required to prove under subsection (A) that an offer or solicitation for sexual conduct was made to an actual minor."

¶34 However, in *Mejak*, the supreme court stated repeatedly that a person can be charged with a completed crime pursuant to § 13-3554(B) when his conduct is directed at a police officer posing as a child. *Id.* ¶¶ 11-13, 17, 21. The court explicitly "conclude[d] that the language of the statute requires that the person lured be a minor or a peace officer posing as a minor." *Id.* ¶ 11. Although the court was not confronted with the issue Corbett raises, given its extensive examination of the statute, its comments cannot be characterized as mere dicta. They are controlling, and we are not at liberty to hold otherwise. *See State v. Sullivan*, 205 Ariz. 285, ¶ 15, 69 P.3d 1006, 1009 (App. 2003). Therefore, Corbett could be convicted of a completed crime for luring a peace officer posing as a child pursuant to § 13-3554(B).

¶35 Corbett contends § 13-3554(B) violates due process "for failing to provide the kind of notice that will enable ordinary people to understand what conduct it prohibits." He asserts that if "subsection (B) . . . criminalizes offering or soliciting conduct with a peace officer posing as a minor, then it is unconstitutional and violates his rights to due process and a fair trial because it contains no proscribed acts, no *mens rea*, and criminalizes protected speech."

¶36

> A statute is unconstitutionally vague if fails to give 'a person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly' or if it allows for arbitrary and discriminatory enforcement by failing to provide an objective standard for those who are charged with enforcing or applying the law.

In re Maricopa County Juvenile Action Nos. JS-5209 & JS-4963, 143 Ariz. 178, 183, 692 P.2d 1027, 1032 (App. 1984), *quoting Grayned v. City of Rockford*, 408 U.S. 104, 108, 92 S. Ct. 2294, 2299 (1972). But, in *Mejak*, although the court did not address the constitutionality of § 13-3554, it found the statute's plain language unambiguous. 212 Ariz. 555, ¶¶ 8, 14, 136 P.3d at 877. If the statute's language is clear, it cannot also fail to provide notice of prohibited behavior or an objective standard for those enforcing laws. *See Maricopa County Juvenile Action Nos. JS-5209 & JS-4963*, 143 Ariz. at 183, 692 P.2d at 1032 ("A statute will not be held void for vagueness if any reasonable and practical construction can be given its language."). We are constrained by the supreme court's finding that the plain language of § 13-3554 imposes liability for the solicitation for sexual conduct of a peace officer posing as a minor. *See Sullivan*, 205 Ariz. 285, ¶ 15, 69 P.3d at 1009.

Therefore the statute is not vague and does not violate due process. We cannot say the trial court abused its discretion in denying Corbett's Rule 20 motion for judgment of acquittal.

Disposition

¶37 For the reasons discussed above, we affirm Corbett's conviction.

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GARYE L. VÁSQUEZ, Judge

CONCURRING:

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PETER J. ECKERSTROM, Presiding Judge

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PHILIP G. ESPINOSA, Judge